

**TOWN OF DAVIE
REGULAR MEETING
DECEMBER 3, 2003**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the Open Public Meeting.

Arthur Joseph advised Council on how the Town's holiday menorah should be lit with regard to Hanukkah observation. Mayor Truex advised that this would be addressed immediately.

Mr. Joseph spoke in favor of the airport expansion and added that the runway extension was a good option to help meet the airport's capacity and flexibility needs. He felt that since the Town supported the continuous building and addition of developments over the years, it was hypocritical to oppose airport expansion efforts to fit the needs of the Town's growing population.

Mr. Joseph discussed the Police and Fire Memorial and traffic control at accident scenes. He stated that police and rescue traffic control could be improved if officers spent more time on directing traffic than on giving speeding tickets. Mr. Joseph indicated that there was too much emphasis on speeding tickets with little monitoring of high accident intersections. He felt that traffic signals could be improved and believed the Town opened itself to legal liability by allowing officials with little experience in traffic matters to handle these issues.

Norm Blanco, 2080 SW 72 Avenue, spoke with reference to background checks and asked Council for clarification on how these would be handled. He discussed the Charter Review Board with specific reference to Mayor Truex's involvement. Mayor Truex advised that he had been appointed to the Board and did not vote on setting up the Board.

Mr. Blanco mentioned the park on SW 71 Terrace and asked if it would be possible to name the park after Police Officer Wes Griffin. He thanked Mr. Willi for getting money back from Broward County which was allocated for the park.

Michael Gati spoke against the south runway expansion and felt the airport expansion would turn neighboring areas into slums. He asked about the rezoning of the McCall's property. Mayor Truex advised that the law precluded discussing this issue as it was still pending.

Mr. Gati stated that several residents were present who wished to discuss this issue. Mayor Truex asked Council if they wished to discuss the tabling of this item. He stated that Council would not delay discussing tabling of this item in consideration of those present.

Richard Myers, 1700 SW 83 Avenue, distributed a flow chart with regard to the water main replacement issue with the City of Sunrise. He stated that there was still a dire need to fix serious problems in some areas. Mr. Myres advised that Berkley Drive was being used as a back alley for dumping.

Mr. Myres mentioned that someone had run over a light stand at the corner of 18th and 86th Avenue and as a result, there were no lights from Pine Island Road to 86th Avenue. Mr. Myres stated that FPL had refused to fix these lights until the Town gave approval and asked Council to look into this problem. Vice-Mayor Starkey asked if there had been any talk about residents in that community putting up gated arms. Mr. Myres advised that this issue was not being discussed as the residents of his mobile home community did not set fees and depended on management. Vice-Mayor Starkey stated that residents of that community with 3-wheel bikes created some problems with cut-through traffic. Mr.

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Myres agreed that cut-through traffic was a growing problem in his community. Vice-Mayor Starkey asked about the possibility of installing a sign that stated "Private Community" or "No Cut through Traffic." Mr. Myres advised that this was not possible as they were public streets.

Karen Nowicki stated that she had attended the Planning and Zoning Division's workshop pertaining to current and future land use which called for upgrades in drainage. She stated that to date, no improvements have been made to include the residential areas along the SW 55 Avenue corridor. She stated that over the years, property owners had seen increases in serious flooding. Ms. Nowicki advised that in recent conversations, FEMA officials had identified growing drainage problems and she pointed out that numerous complaints had been made to the Town. She stated that FEMA was currently upgrading its flood maps in South Florida and had advised that remapping would result in doubling or tripling of flood insurance premiums as a result of changes in the flood plan. Ms. Nowicki added that if the Town were found in violation of flood regulations, it could lose its flood status with the National Flood Plan, resulting in property owners being denied flood insurance. She asked when homeowners could expect to see drainage upgrades.

Ms. Nowicki discussed the economic development meeting between the Planning and Zoning staff and Council, with regard to the future Comprehensive Land Use Plan. She referred to Mr. Kutney's suggestion that the Town's southeast area be incorporated into the classification of Regional Activity Center (RAC). She pointed out that this classification removed the requirement of a Council vote to approve land use amendments that changed areas from their current zoning to higher density. Ms. Nowicki threatened legal action on the part of property owners and the southeast residents if Council considered this type of amendment without increased input from the residential community.

Ms. Nowicki referred to Town Code Section 12-302.1 with regard to public hearings. She felt that the manner in which public hearings were conducted were in direct conflict with the guidelines of the Code, especially regarding the public's right to speak and be heard on matters concerning land use amendments, rezoning proposals and presentations. Ms. Nowicki felt the repeated practice of tabling items of public hearings, circumvented the public's right to freedom of speech and believed it disenfranchised residents. With reference to an earlier conversation she had with a Town employee, she questioned how Town staff could know in advance whether an item would be tabled, when a vote to table had not yet been taken. She gave Council recommendations to amend its codes and practices with regard to tabling of items.

Mayor Truex asked about the status of the Capital Improvements Program. Public Works/Capital Improvements Director Bruce Bernard spoke with reference to final improvements off 58th Avenue, between 48th Street north to Griffin Road. He advised that improvements to the Silver Lakes area were in this year's Capital Improvements Program and were scheduled to begin in May 2004 and completed within 10 months.

Mayor Truex asked about applications with regard to the RAC. Mr. Willi advised that there were some applications in to discuss that plan.

Mayor Truex asked Council about the issue of tabling items and requested adding this under New Business to be discussed at a future meeting. Mr. Willi thought Council was following the revised ordinance. Mayor Truex stated that Council had discussed changes to the ordinance before and asked for an update.

Charles Kelly asked when the Town's general election was scheduled. Mayor Truex advised that elections were in March 2004. Mr. Kelly indicated that residents of the southeast area of Davie would vote in the upcoming elections.

June Connors, 1701 SW 127 Avenue, asked about the continued dumping of mulch on the properties near her home and indicated that there were various health hazards present including airborne debris, rats and termite infestation. She asked Council to assist with getting the site into compliance. Mr.

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Kiar stated that the Code Compliance hearing on this issue was successful; however, an appeal had been filed. He advised that Council hoped the judge would rule on this issue soon. Ms. Connors stated that by the time the issue got through the legal system, there would not be much left of the piles that had been dumped and she was concerned that in the meantime, it was okay for Mr. Siegel to move the piles of dumped material around. Mr. Kiar stated that Mr. Siegel had a court order with reference to the property. Mayor Truex advised that Mr. Siegel actually had a court order requesting removal of the mulch, which he had since appealed. Mr. Kiar stated that Mr. Siegel had not brought additional material onto the property but that he continued to exercise his right to appeal almost every aspect of the issue.

Vice-Mayor Starkey asked Ms. Connors whether her children continued to get asthma attacks. Ms. Connors advised that more testing would be done but that she did not want to further subject her children to multiple tests.

Mayor Truex advised Ms. Connors that this issue was a top priority for staff. He also asked Mr. Willi if the Town could do anything further to address such issues in the future. Mr. Willi stated that he understood the frustration, but pointed out that property owners' rights had to be protected at the same time. He stated that he was aware that Mr. Siegel was abusing the system and that the Town was doing everything it could. Mr. Willi suggested putting specific language in the Code that restricted such activity. Mr. Kiar stated that there were some aspects that he felt should not be discussed during the meeting.

Ms. Connors advised Council that she was still waiting on landscaping from Calvary Chapel. Mayor Truex said he thought that Calvary Chapel had done all necessary landscaping. Ms. Connors stated that the landscaping was not finished on the access road. Mayor Truex advised that if there were still problems on this issue, Council would take care of them.

Kathy Tibbets, 2730 Hiatus Road, felt the way the Town conducted this issue was deplorable. She asked why the Town had nothing in its Code that would protect homeowners' rights to be healthy. Ms. Tibbets felt it was unfair that the Town could not control the conditions in Calvary Chapel and felt that the Town's actions were ruining the land and rights residents worked hard for.

Jack Flaherty, 5391 SW 58 Avenue, spoke against the continued tabling of item 7.13 and asked how long this would continue. Mayor Truex advised Mr. Flaherty that Council was working on clarifying the ordinance regarding tabling. He advised that this item would be discussed and that Council would stay as long as necessary for every person to speak on this item.

Genia Simmens, 5357 SW 48 Street, also spoke against the continued postponing of this item. She was troubled about the proposed rezoning, flooding issues and mosquito problems at her home. Ms. Simmens disagreed with the tabling and requested that this issue be discussed during the meeting.

Silvio Case, 5800 SW 58 Court, spoke about the rural lifestyle residents enjoyed and he wanted the Town to preserve this character. He spoke against the continued additions of commercial buildings which changed the "country" character of the Town.

Mitch Topal, 12720 SW 13 Manor, spoke about his concern that the Town was going in the wrong direction and stated he had no political ambition but was a resident who wanted to bring fair and honest representation back to Davie residents. He advised Council about recent complaints and conversations he had with Town residents with regard to ways in which they felt disenfranchised. Mr. Topal stated that residents felt single member districting was not helping the Town. He also felt that Council had become too powerful and repeatedly passed inappropriate zoning and land use changes. Mr. Topal indicated that upon being elected, he would support the formation of a Charter Review Board to review single member districting along with other issues.

Jack Hansen, 5821 SW 57 Street, asked if residents from District 1 would be allowed to speak on item 7.5. Mayor Truex advised Mr. Hansen of the law which stated that if any item were pending, it could not be discussed at a public hearing.

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Mayor Truex closed the open public hearing.

Vice-Mayor Starkey addressed the public with regard to their complaints about Council actions. She advised that several current developments were approved several years prior to the current Council and were just beginning due to various government permit processes. Vice-Mayor Starkey stated that even though the approval process was frustrating, it was still a good procedure as it served the public interest by allowing the public process to go forward. She further advised that if an item was requested to be tabled by the applicant or by staff, it was because of problems with the particular development or approval and denial procedures. Vice-Mayor Starkey indicated that Council had been working on several ordinances to preserve land, increase wetlands and preserve the rural lifestyle residents enjoyed. She stated that Council had to follow the rules of its Code and Charters and asked residents to have patience and trust in the elected officials and the process.

Mayor Truex advised that staff had requested that item 5.23 be tabled. Vice-Mayor Starkey asked if Council could discuss this item.

Bill Laystrom, representing the petitioner, requested that Council not table this item and requested a discussion on rezoning and the site plan. He advised that he would ask Council to approve the rezoning to B-3 upon the first reading, without prejudice to the applicant, Chelsea residents or the Town. Councilmember Paul asked if the residents were aware that he would propose this. Mr. Laystrom advised that the Chelsea residents were in agreement.

Mayor Truex asked if staff wanted to table this item. Mr. Willi indicated in the negative and advised that staff was prepared to hear this issue. Mayor Truex advised that staff would skip item 5.23 and pull it from the Consent Agenda.

Mayor Truex advised that staff had requested that items 7.10 and 7.11 be tabled until January 21, 2004.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 7.12 and 7.13 were requested to be tabled. He asked Mr. Willi if he had any information about this request to table. Mr. Willi advised that the applicant was seeking additional time to meet with the residents in the area.

Robert Legg, representing the petitioner, indicated that when the applicant went before the Local Planning Agency, some issues arose which cause the applicant to miss the window of time to address them. He advised that the applicant had six months before it could re-submit the issue and wished to use the time to resolve all issues before coming back before Council. Mr. Legg stated he was in favor of resolving this issue in March.

Councilmember Hubert asked that the petitioner be given the time necessary to work on the proposal. She advised that she had spoken with Scott Helms of IDI a week earlier to check the status of the project. Councilmember Hubert reported that Mr. Helms had advised that he was working with several residents to resolve the problems.

Councilmember Paul advised that she had communicated with several residents and not many had an opportunity to meet with the developer. She stated that the developer needed to make more efforts to meet with residents. Councilmember Paul questioned why Council would not have this request withdrawn, if it were in fact the third request from the petitioner. Councilmember Hubert clarified that the first request to table was the Town's and that the second and third requests were from the petitioner. She reminded Council that it was the second time IDI had requested this item to be tabled and advised that IDI had taken several residents to the Weston area to explain to them what the plans entailed. Councilmember Hubert disclosed that residents had contacted her with their concerns about traffic on 58th Street and added that the petitioner was going door to door to each resident to resolve this issue.

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Councilmember Paul stated that IDI would have to work more diligently to communicate with more residents on this issue. She asked if it were in fact the second request to table from the petitioner.

Councilmember Hubert advised that residents of that area strictly wanted houses and not corporate parks.

Vice-Mayor Starkey asked whether it would not be wiser for the petitioner to voluntarily withdraw the request and then resubmit this item for future discussions, rather than subjecting the Council and the public to such problems and frustrations. Mr. Legg stated that IDI had incurred tremendous expense so far.

Councilmember Crowley advised Mr. Legg that he had attended the Planning and Zoning Board meeting where residents were present and asked if the petitioner was coming out with a different plan from the one shown at that meeting. Mr. Legg responded that the main issue was access to Griffin Road and concerns about cut-through traffic on 58th Street. He advised that the petitioner was working on recreational trails and buffering along this street.

Councilmember Crowley asked if the petitioner would hold meetings with the resident if the request was tabled to March 17, 2004. Mr. Legg stated that the petitioner would be willing to do this.

Councilmember Crowley stated that he was not happy with the fact that trucks could go through the residential neighborhoods. He hoped the petitioner would resolve issues related to traffic on 58th Street for the residents. Mr. Legg confirmed that the petitioner was working on these issues.

Mr. Willi reported that the record indicated that the item was tabled on September 17th due to lack of a quorum at the Local Planning Agency meeting, which may have led the public to believe the item was tabled an additional time. He indicated that there was a staff request to table on October 1st and a petitioner request to table on November 5th. Mr. Willi confirmed that the current request to table would be the applicant's second.

Mayor Truex asked about the Code related to second tablings. Attorney Andre Parke read the Town Code with regard to public hearings on planning and development issues. Mayor Truex asked Mr. Legg to communicate with the petitioner that the Town would adhere to the Town's Code.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to table items 7.12 and 7.13 to March 17, 2004. In a voice vote, all voted in favor with Councilmember Paul dissenting. (Motion carried 4-1)

Mayor Truex called for a recess at 8:17 p.m. and reconvened the meeting at 8:20 p.m.

Mayor Truex announced that item 7.3 had been withdrawn and resubmitted as item 5.30.

Mayor Truex advised that item 5.27 needed to be added to the agenda.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to add. In a voice vote all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 5.28 needed to be added to the agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add. In a voice vote all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 5.29 needed to be added to the agenda.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to add. In a voice vote all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 5.30 needed to be added to the agenda.

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Councilmember Paul made a motion, seconded by Councilmember Hubert, to add. In a voice vote all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 5.31 needed to be added to the agenda.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to add. In a voice vote all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 10.3 needed to be added to the agenda.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to add. In a voice vote all voted in favor. (Motion carried 5-0)

4. PRESENTATION

4.1. First Call for Help - Mayor Truex

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to table to December 17, 2003. In a voice vote all voted in favor. (Motion carried 5-0)

5. APPROVAL OF CONSENT AGENDA

Minutes

5.1. October 15, 2003 - Regular Meeting (tabled from November 19, 2003)

Resolutions

5.2. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-323 AMENDING THE CAPITAL PROJECT BUDGET AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH WIDELL, INC. TO DESIGN/BUILD
ON-SITE CHLORINE GENERATION SYSTEMS. (\$1,345,400) (tabled from November
19, 2003)

5.3. **AGREEMENT** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
R-2003-302 OF DAVIE, FLORIDA (THE "TOWN"), APPROVING THE FORM OF AND
AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL
AGREEMENT WITH CITY OF PLANTATION, FLORIDA IN CONNECTION WITH
THE ISSUANCE BY THE TOWN ON BEHALF OF UNITED JEWISH COMMUNITY
OF BROWARD COUNTY, INC. (THE "BORROWER") OF THE TOWN'S NOT TO
EXCEED \$25,000,000 REVENUE BONDS (UNITED JEWISH COMMUNITY OF
BROWARD COUNTY, INC. PROJECT), SERIES 2003, FOR THE PURPOSE OF
FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION,
RECONSTRUCTION AND EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES
AND SOCIAL SERVICE FACILITIES LOCATED IN THE TOWN AND IN THE CITY
OF PLANTATION, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.
(tabled from November 19, 2003)

5.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-303 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
HALSTEAD APARTMENTS, A CONDOMINIUM, AND THE TOWN OF DAVIE
POLICE DEPARTMENT FOR TRAFFIC CONTROL.

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- 5.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-304 AUTHORIZING THE MAYOR TO EXECUTE THE SILVER LAKES PARK ENCROACHMENT AGREEMENTS BETWEEN THE TOWN OF DAVIE AND INDIVIDUAL HOMEOWNERS AND AUTHORIZING ENCROACHMENT REMOVAL WHEN NECESSARY.
- 5.6. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-305 FLORIDA, AMENDING AGREEMENT 2000-292, ENTITLED "AGREEMENT BETWEEN THE TOWN OF DAVIE AND A-PLUS TRANSPORTATION FOR THE MAINTENANCE AND OPERATION OF THE TRANSIT BUS SERVICE" BY AMENDING ARTICLE 13 ENTITLED "TERMINATION" AND BY ADDING ARTICLE 16 ENTITLED "FINES"; AND PROVIDING FOR AN EFFECTIVE DATE.
- 5.7. **RENEWAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-306 FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 2003/2004.
- 5.8. **COMMITTEE EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-307 FLORIDA, EXTENDING THE AIRPORT ADVISORY COMMITTEE FOR ONE YEAR.
- 5.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2003-308 THE BID AWARDED BY THE CITY OF BOCA RATON FOR COACH BUS SERVICE, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. 2003-057. (Midnight Sun Tours, Inc - \$44,116/year)
- 5.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2003-309 THE BID FOR CONSTRUCTION OF A PARKING LOT AT THE FLEET MAINTENANCE GARAGE. (Florida Blacktop, Inc. - \$58,920.46)
- 5.11. **LOAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO PROVIDE
R-2003-310 FOR A "LOAN" OF FUNDS FROM THE WATER/SEWER FUND TO THE CAPITAL PROJECTS FUND OF THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED \$9,500,000 FOR THE PURCHASE OF PROPERTY KNOWN AS THE "VAN KIRK PROPERTY" FROM SOUTHERN HOMES INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- 5.12. **TAX-EXEMPT BONDS** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-311 FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF VARIOUS CAPITAL PROJECTS OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF.

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- 5.13. **REVENUE BONDS** - A RESOLUTION OF THE TOWN COUNCIL OF THE
R-2003-312 TOWN OF DAVIE, FLORIDA (THE "TOWN") PERTAINING TO THE ISSUANCE
BY THE TOWN OF ITS TOWN OF DAVIE, FLORIDA VARIABLE RATE DEMAND
REVENUE BONDS (THE UNITED JEWISH COMMUNITY OF BROWARD
COUNTY, INC. PROJECT), SERIES 2003, IN AN AGGREGATE PRINCIPAL
AMOUNT NOT EXCEEDING \$25,000,000, FOR THE PURPOSE OF MAKING A
LOAN OF FUNDS TO THE UNITED JEWISH COMMUNITY OF BROWARD
COUNTY, INC. (THE "BORROWER") FOR CERTAIN CAPITAL EXPENDITURES
MADE AND TO BE MADE BY THE BORROWER WITH RESPECT TO THE
ACQUISITION, CONSTRUCTION, RECONSTRUCTION AND EQUIPPING OF
CERTAIN EDUCATIONAL AND SOCIAL SERVICE CENTER FACILITIES
LOCATED IN THE TOWN AND IN THE CITY OF PLANTATION, FLORIDA;
APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A
LOAN AGREEMENT TO PROVIDE SECURITY FOR SUCH BONDS; APPROVING
AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST
INDENTURE WITH U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE;
APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF
CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE
FOREGOING; AUTHORIZING THE FORM AND DISTRIBUTION OF THE
OFFICIAL STATEMENT; AUTHORIZING THE NEGOTIATED SALE OF THE
BONDS WITH BANC OF AMERICA SECURITIES LLC AND APPROVING THE
CONDITIONS OF SUCH SALE; APPROVING THE FORM OF AND AUTHORIZING
THE EXECUTION AND DELIVERY OF AN UNDERWRITING AGREEMENT;
APPROVING IDENTIFICATIONS OF HEDGE AGREEMENTS FOR FEDERAL TAX
PURPOSES; APPOINTING AUTHORIZED OFFICERS AND AUTHORIZING TOWN
OFFICIALS AND OFFICERS TO TAKE ALL ACTIONS IN CONNECTION WITH
THE DELIVERY OF THE BONDS AND OTHER RELATED MATTERS; AND
PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH.
- 5.14. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-313 FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF
THE "GILLER" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 10-1-03, Wolf
in the Woods, 5360 South University Drive)
- 5.15. **UNITED WAY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-314 SUPPORTING UNITED WAY CAMPAIGN AND URGING EACH EMPLOYEE TO
CONTRIBUTE; PROVIDING FOR AN EFFECTIVE DATE.
- 5.16. **SPECIAL ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-315 FLORIDA, ACCEPTING \$5,500.00 AS PAYMENT IN FULL OF THE SPECIAL
ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 64, AND
PROVIDING FOR AN EFFECTIVE DATE.

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- 5.17. **GRANT OF EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-316 FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO
ACCEPT A GRANT OF EASEMENT FOR THE PINE MEADOW ESTATES PLAT;
TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES
AND THE TOWN SEAL TO SAID EASEMENT; AND PROVIDING FOR AN
EFFECTIVE DATE. (2201 SW 136 Avenue)
- 5.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-317 AUTHORIZING ACCEPTANCE OF A GRANT FROM THE FLORIDA
DEPARTMENT OF TRANSPORTATION, HIGHWAY SAFETY PROGRAM, AND
AUTHORIZING UTILIZATION OF GRANT FUNDS TO IMPLEMENT A DUI
ENFORCEMENT AND PREVENTION PROGRAM. (\$28,958 matching share)
- 5.19. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-318 AUTHORIZING THE APPLICATION, ACCEPTANCE, AND EXECUTION OF A
\$20,000 GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH TO ACQUIRE
AN ALL TERRAIN VEHICLE (WITH \$5,000 CASH MATCH).
- 5.20. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-319 AUTHORIZING THE APPLICATION, ACCEPTANCE, AND EXECUTION OF A
\$46,950 GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH TO
IMPLEMENT A PUBLIC ACCESS DEFIBRILLATION PROGRAM (WITH \$15,650
CASH MATCH)
- 5.21. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-320 AUTHORIZING THE APPLICATION, ACCEPTANCE, AND EXECUTION OF A
\$26,993 GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH TO
IMPLEMENT A TRAINING PROGRAM (WITH \$6,749 CASH MATCH)
- 5.22. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-321 AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA
DEPARTMENT OF HEALTH, EMS MATCHING GRANT PROGRAM, FOR
AUTOMATED RESUSCITATION DEVICES; AUTHORIZING GRANT ACCEPTING
AND EXECUTIVE IF AWARDED; AND AUTHORIZING AN AMENDMENT TO
THE FY 2004 TOWN OF DAVIE BUDGET IF AWARDED THE GRANT. (not
budgeted - \$16,290)

Site Plans

5.23. **STAFF REQUESTING A TABLING TO DECEMBER 17, 2003**

SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled from November 19, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*

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- 5.24. SP 5-3-03, Wolf Plaza, 5360 South University Drive (CC) *Site Plan Committee recommended approval subject to staff's recommendations and the following: 1) that the front columns on building A are not to be closer than five feet from the edge of pavement; 2) that on building B, there be a three-foot-high knee wall on all rollup doors which shall be installed and relabeled as ventilation openings other than the rear loading door which is designated "truck well;" 3) install a stop sign and striping on the northeast corner of building A; 4) move hatch marks on the striping on building A at the handicapped spaces; and 5) remove the sidewalk in the northwest corner of the building in the planter*

Site Plan Modification

- 5.25. MSP 7-1-02, Millcreek Ranches, 3011 SW 148 Avenue (A-1) (tabled from November 19, 2003) *Site Plan Committee recommended approval subject to the planning report*

Temporary Use Permits

- 5.26. TU 10-3-03, Blackhawk Reserve, 15191 SW 15 Place (construction trailer)
5.27. TU 11-3-03, Saint David's Catholic Church, 3900 University Drive (Christmas Trees)

- 5.28. Rick Case Bikes for Kids Day (December 3, 2003)

- 5.29. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A
R-2003-322 REVISION TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR THE FISCAL YEAR 2004.

- 5.30. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 25' OF RIGHT-OF-WAY FROM FRANK AND VERONICA MIELE; AND PROVIDING FOR AN EFFECTIVE DATE. (southwest corner of SW 20 Street and SW 127 Avenue)

- 5.31. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THAT IF THE BROWARD COUNTY COMMISSION CHOOSES TO APPROVE THE EXPANSION OF THE FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT THAT THE OPTION WITH THE LEAST ADVERSE IMPACT ON DAVIE RESIDENTS AND BUSINESSES BE SELECTED AND MITIGATION IMPLEMENTED FOR THOSE SEVERELY AFFECTED.

Mayor Truex advised that staff had requested to pull items 5.3 and 5.13 from the Consent Agenda to be heard after item 7.1. Vice-Mayor Starkey requested that items 5.31, 5.29, 5.7, 5.10, and 5.8 be removed. Councilmember Paul requested that items 5.25 and 5.23 be removed. Mayor Truex requested items 5.15, and 5.11 be removed. Mr. Kiar requested that items 5.2 and 5.30 be removed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 5.2, 5.3, 5.7, 5.8, 5.10, 5.11, 5.13, 5.15, 5.23, 5.25, 5.29, 5.30, and 5.31. In a voice vote, all voted in favor. (Motion carried 5-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.2 Mr. Kiar advised that his office had a concern with regard to the indemnity provision and requested that any decision on this item be conditional upon removing the unacceptable provision on the contract.

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Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve, subject to the Town Attorney's recommendation for amended language regarding indemnification. In a voice vote, all voted in favor. (Motion carried 5-0)

5.3 Councilmember Hubert asked if the Town was not liable, why this could not be indicated in the resolution or the agreement. Jeff DeCarlo indicated that it was stated in the resolution and reiterated that the Town was not liable.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.7 Vice-Mayor Starkey spoke with reference to the contract for Mr. Sigerson. She suggested including a standard boilerplate agreement that would have specific language with regard to conflict of interest and termination clauses. Vice-Mayor Starkey requested that such language be consistently worded in all lobbyists' contract. Mr. Kiar indicated that there was a termination clause in the contract for Mr. Grande and read the provision.

Mr. Sigerson indicated that he was agreeable to adding the recommended language regarding conflict of interest issues. Mr. Kiar indicated that he had prepared language that might address the conflict of interest issues. He read the amended language and Council agreed that the changes were satisfactory.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve subject to adding language regarding conflict of interest and termination issues. In a voice vote, all voted in favor. (Motion carried 5-0)

5.8 Vice-Mayor Starkey disagreed with the wording of the third paragraph of the resolution. She felt that specific language that pertained to economic concurrency was inappropriate and requested that it be removed. Vice-Mayor Starkey suggested that the following language be added: "Whereas, the Town of Davie would be impacted by the current and future increase in air traffic, and Whereas there are programs available to mitigate or abate noise and that the Airport Advisory Task Force will seek out recommendations to the Town Council to provide that information."

Councilmember Paul advised that this referred to the Airport Advisory Board, not the Task Force. Vice-Mayor Starkey stated that she wanted the Airport Advisory Board to look at what other airports had done to abate and mitigate noise and to look at what agreements they had been able to make with their individual counties and the FAA. She stated that regardless of how Council felt about the airport expansion, it would still be a reality the Town had to address to lessen the impact on residents. Councilmember Paul asked if this would require bringing in speakers to the Town. Vice-Mayor Starkey responded that the County was willing to work with the Town to discuss mitigation efforts. Mayor Truex agreed as long as this would not cost too much money.

Mr. Willi stated that the intention of the resolution was to allow Council to extend the life of the Airport Advisory Board until the issue was resolved.

Councilmember Hubert asked Vice-Mayor Starkey about the provision of air conditioners. Vice-Mayor Starkey explained that the airport had been known to give noise abatement air conditioners or windows to assist with noise abatement for residents. Councilmember Hubert asked if mobile home communities would get air conditioners. Vice-Mayor Starkey explained that they could either get air conditioners or benefit from mitigation efforts to buy them out. Councilmember Hubert asked if Council could go to the homeowners' associations to discuss any information gathered on noise abatement issues. Vice-Mayor Starkey indicated in the affirmative. Councilmember Paul indicated that some of these points were included in item 5.31, which was going before the Broward County Commission for

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discussion. She did not believe that anyone would expect Council not to fight for mitigation issues to be resolved and requested that depending on how the County Commission voted, Council revisit the issue again.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve subject to adding the amended language recommended by Vice-Mayor Starkey. In a voice vote, all voted in favor. (Motion carried 5-0)

5.10 Vice-Mayor Starkey referred to an upcoming meeting with the community on this item. She advised that she was not in favor of moving forward on this issue without a meeting with the residents.

Mr. Bernard advised that this item was presented simply to disclose what the bid came in at and explained that the Town would not award the PO to the vendor until it was determined if any changes would be made regarding the parking lot. He stated that the parking lot would not have any bearing on the residents.

Vice-Mayor Starkey stated she was not in favor of voting on this item and requested that voting take place after the meeting with the residents on December 9th. Mr. Bernard explained that the item was presented simply to accept a bid. He felt there was no reason to hold up this item if nothing changed on the parking lot.

Mayor Truex asked Mr. Willi whether this item would not move forward without the meeting with residents. Mr. Willi confirmed this and advised that the Town would have to bring the item back before Council for approval. Councilmember Crowley assured Council that Mr. Bernard would not move forward on this item without first meeting with the residents. Vice-Mayor Starkey asked Mr. Bernard to send Council a memo advising on the results of the meeting with residents.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.11 Mayor Truex spoke in favor of this item. He asked Budget and Finance Director William Underwood to explain the funding mechanism. Mr. Underwood explained that the Water and Sewer Fund had excess funds currently invested in the State Board's administration. He indicated that instead of borrowing money from an outside agency which would collect interest, the Town would use its excess funds and give them back to the Water and Sewer Fund. Mayor Truex asked if the Town was approving any money that had not been approved. Mr. Underwood indicated in the negative.

Councilmember Crowley asked if this would affect the Capital Improvements Budget. Mr. Underwood explained that this action would facilitate the Capital Improvements and added that these funds would be returned in a relatively short period.

Mayor Truex made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.13 Mr. Underwood stated that this resolution authorized the Town to move forward.

Councilmember Hubert asked why the Town was sponsoring this instead of Plantation. Mr. Underwood explained that the majority of the projects were in Davie. Councilmember Hubert voiced her concerns about the Town being in debt. Vice-Mayor Starkey explained that the resolution also held harmless any past, present and future officers.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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5.15 Mayor Truex indicated that he was opposed to this resolution as he did not support the United Way.

Vice-Mayor Starkey spoke in favor of the United Way and indicated she would support this resolution and disclosed that she had recently joined as a volunteer for the South Regional Advisory Board as she was convinced that they spent money back into the community. She indicated that funding was definitely coming back into the Town in partnership with the United Way. Vice-Mayor Starkey added that donations were voluntary and she would encourage the community and residents to contribute to the United Way.

Councilmember Hubert disclosed that an employee had recently told her that when a Councilmember asked an employee to do something, they felt obligated to do it. She felt Councilmembers should not ask employees to do anything specific and felt it was inappropriate to ask staff or Town employees to make donations to any organization.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor with Mayor Truex and Councilmember Hubert dissenting. (Motion carried 3-2)

5.23 Bill Laystrom, representing the petitioner, indicated that he hoped to have the rezoning, the site plan and the settlement agreement ready for approval on December 17th. He advised that the Chelsea residents wanted to make sure the B-3 rezoning was in place by the time the site plan came up for approval. Mr. Laystrom gave Council a brief presentation on a revised proposal wherein the petitioner would give a small portion of its property as a linear park for Chelsea. He advised that 95% of the pavement would be taken out to create a path through the park and that the petitioner would agree to make the necessary improvements to creating the park. He added that the petitioner also agreed to provide surveillance cameras to improve security at two existing gates into the Chelsea neighborhood.

Mayor Truex stated his concern was the long trail and secluded area at the back of the property and its appeal to disorderly juveniles. He asked if there was some arrangement the dealership would make to have the police patrol that area. Mr. Laystrom indicated that he knew of no such understanding on behalf of the petitioner as there was no way for the petitioner to provide security for the park. Mayor Truex felt this was a serious issue and asked how that area would be secured. Mr. Willi advised it would be secured in the same manner as many of the Town's other parks with signage and patrols by park rangers.

Mayor Truex asked if there was enough of a barrier fencing the back of the park. Mr. Willi indicated there was fencing at the back of the park. Mr. Laystrom explained the original park design. He indicated that the Town currently provided security for the same area. Mayor Truex asked what kind of fencing would surround the property. Mr. Laystrom indicated that there would be sufficient access for Town staff in addition to a lift station at the end of the park. Mike Oliver, the landscape architect designing the park, further explained the design of the park.

Mayor Truex asked about staff involvement on this project. Mr. Willi explained that during the permitting process, this would go through the Development Review Committee wherein every department that was involved in a particular project reviewed all issues involved.

Mr. Laystrom advised on additional topics and provisions related to the project. He asked Council to approve the site plan. He referred to his earlier agreement with the Town, where he had stated that if the Town passed the plat note, he would not allow it to be heard by the County. He indicated that the plat note had expired and requested another chance to re-file.

Keith Poliakoff, representing the residents of Chelsea at Ivanhoe, spoke about the residents' request for pedestrian access to the proposed park, which would not require them to go around their entire property to access the park. He thanked Council on behalf of the Chelsea residents for its efforts to make

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sure that all sides went back to the negotiating table. Mr. Poliakoff indicated his support for the project, subject to the developers' agreement being agreed to by the residents of Chelsea.

Councilmember Paul asked if any improvements to the north entrance were being done. Mr. Laystrom indicated in the affirmative. Jonathan Keith explained how the north entrance access road and improvements were being addressed.

Councilmember Paul asked if an extra left turn lane at the light would be included. Mr. Laystrom responded that this was subject to the County's approval. He stated that the petitioner was looking into this further.

Mr. Poliakoff advised that with regard to Mayor Truex's concerns about drag racing on Palomino Drive, the plan included a full gate blocking the park, which would end the ability for cars to drive behind Chelsea. He added that security cameras would be installed.

Mayor Truex asked if the security cameras would be Chelsea's or Warren Henry's cameras. Mr. Poliakoff advised that the cameras would be installed by Warren Henry, but would be Chelsea's cameras. Mayor Truex asked who would maintain the cameras. Mr. Poliakoff advised that Chelsea would maintain the cameras and the gate and the Town would only maintain the park.

Mr. Laystrom stated that property seller's key issue was for the plat note to be approved. Mr. Poliakoff advised that as long as the plat note was legally acceptable to the Town, the residents did not have any objections.

Mayor Truex asked if anyone wished to speak on this item. No one spoke.

Mayor Truex complimented the Chelsea residents for steering and controlling the process involved with this project. Councilmember Crowley complimented the attorneys for working together.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table this item to December 17, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

7.8 Town Clerk Muniz read the ordinance by title.

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Fernando Leiva read the planning report.

Mr. Kiar opened the public hearing portion of the meeting.

Bill Laystrom, representing the petitioner, advised that Town staff had spent hours with the petitioner along with Warren Zinn and other neighboring businesses in the shopping center. He advised that the petitioner anticipated being rezoned as B3 and again encouraged Council to pass this on first reading.

Keith Poliakoff, representing residents of Chelsea at Ivanhoe, indicated that the residents did not object to the rezoning request and were requesting that Council approve this item subject to residents' approval of the developer's agreement and if it were not approved, that it be heard as a first reading again. He advised that he was working on other deed restrictions for this property.

Mr. Kiar closed the public hearing.

Councilmember Paul disclosed that she had spoken with various residents of Chelsea, Mr. Laystrom, Mr. Zinn and his organization, and Mr. Poliakoff. Mayor Truex disclosed that he had spoken to the same people as Councilmember Paul. Vice-Mayor Starkey disclosed that she had spoken to several people, Mr. Laystrom and members of Warren Henry, along with receiving e-mails. Councilmember Crowley disclosed that he had spoken with Mr. Poliakoff and Mr. Laystrom. Councilmember Hubert disclosed that she had spoken with Mr. Laystrom, Mr. Poliakoff, and Warren Henry.

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Mayor Truex advised that the second public hearing would be on December 17, 2003.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve, subject to Chelsea residents approving the developer's agreement. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - yes; Councilmember Crowley - yes. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve a resolution re-approving the plat for the Warren Henry site subject to the same conditions and subject to sending a letter to Chelsea homeowners ensuring that they approve the plat. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

5.8 Mayor Truex read the proclamation.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.25 Later in the meeting, Mr. Laystrom addressed staff and offered to answer any questions on the site plan.

Councilmember Paul advised that some homeowners were interested in discussing the petitioner's plans with reference to the canal behind residents' homes on 31st Court. Mr. Laystrom advised that he had met with the residents, who had requested that the two lakes be combined. He stated that combining the two lakes and removing the control structure would be a difficult task. Councilmember Paul stated that some residents did not understand the criteria involved. Mr. Laystrom indicated that he would be willing to meet with the residents to further discuss this issue. Councilmember Paul indicated that residents simply wanted clarification and would go along with whatever the Water District's decision would be. Mr. Laystrom indicated that he would plant a line of oak trees along the five-foot path closest to the road.

Councilmember Paul asked if the petitioner could leave open the possibility of leaving this path open as an equestrian trail. Mr. Laystrom stated that this was between Council and the Water District.

Councilmember Crowley asked if the plan was subject to change regarding the body of water. Mr. Laystrom explained that nothing would change, but the petitioner would ask the Town if it could remove the control structure in order to discharge water into the canal system, or retain an equestrian trail. He stated that the petitioner would do everything possible to have construction traffic exit through the Charleston Oaks project, instead of using SW 31st Court.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve subject to approving the conditions agreed to by the developer. In a voice vote, all voted in favor. (Motion carried 5-0)

5.29 Vice-Mayor Starkey questioned the \$10,000 figure that was appropriated. Councilmember Hubert explained that residents of her district contacted her explaining that they needed help for Thanksgiving, which led to her receiving these funds to help them. Vice-Mayor Starkey asked if Councilmember Hubert was coordinating all these efforts. Councilmember Hubert explained how her efforts were involved.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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5.30 Mr. Kiar requested that this item be tabled to January 7, 2004.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

5.31 Vice-Mayor Starkey spoke about the resolution and thanked Mr. Willi for adding this item to the agenda. She indicated that she had attended a joint meeting with Dania Beach where Lee Fisher and Associates had presented their report on airport expansion concerns. Vice-Mayor Starkey advised that she had also attended the Town's Airport Advisory Board meeting where the vote was 6-5 to go with the south runway to the full 9,000 feet. She explained that no length or option for a shorter runway was defined and that the County Commission had eliminated all but three options. Vice-Mayor Starkey advised that the rotated cross wind was eliminated which would have brought the least impact on Davie. She suggested that Council have a workshop to discuss mitigation and noise abatement issues. Vice-Mayor Starkey hoped that this issue would get staff support to present proper documentation to the county by the December 9th meeting. She discussed various concerns that Council needed to do homework on in order to present them to the county. Vice-Mayor Starkey would not recommend making any recommendation to these plans and felt the Town needed to accept the fact that the County was definitely going to build and impact Davie. She felt passing a resolution would send a strong message to the County.

Mayor Truex stated that he originally thought the County Commission was smart in wanting to look into other alternatives; however, he felt that all options being considered were equally horrendous. He felt the County needed to look at what the acceptable damage to the county, community and residents would be and added that it appeared some residents in Davie would be displaced. Mayor Truex stated that he was ready to go to war on this issue and felt the effect on the Town would be unacceptable under any of the options presented to the County.

Vice-Mayor Starkey also pointed out that the County was building a multi-billion dollar project to accommodate less than 1% of the aircraft fleet estimated to require a 9,000-foot runway. She spoke about the County's estimations on the timeframe for the expansion project. Vice-Mayor Starkey stated that if the Town wished to fight the expansion, it had a lot of ammunition and would probably end up getting more mitigation or benefit from a scaled down project. She spoke about the possibility of the County interfering with the Town's authority over its land use.

Mayor Truex indicated that he had spoken with attorney Brenda Chalifour who was willing to prepare an informational session. He felt that the Town needed to have a position to present the following Tuesday and he did not think Council should rule out any option because this was too serious an issue.

Councilmember Hubert asked if the Town could get the airport to build affordable housing for the families that would be affected. Mayor Truex indicated that this was not on the table as far as he knew. Vice-Mayor Starkey stated those were some options that would be looked into. Councilmember Hubert asked why the airport could not build affordable housing for those who would be displaced. Vice-Mayor Starkey explained that mitigation efforts were never factored into the plans, which would result in the Town paying dearly for these effects.

Mayor Truex felt an emergency workshop meeting could be held to further discuss this issue.

Vice-Mayor Starkey indicated she had asked Mr. Willi if Council could notice a potential public workshop meeting for the following day at 6:00 p.m. Mr. Willi advised that a provision in the Charter allowed for a 2-hour notice for an emergency meeting. Mr. Kiar advised of the rules with regard to emergency meetings.

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Mayor Truex asked that an emergency meeting be held on December 4th as he wanted the input of *Save Our Shores*, along with the Town's Airport Advisory Board. Vice-Mayor Starkey indicated she would prepare back up documentation for Council for the meeting.

Mayor Truex asked Council if everyone were in agreement that this was a dire situation. Councilmembers concurred.

Council decided to take no action until after the emergency meeting the following day.

Mr. Willi asked Mayor Truex whether a member of staff should attend the meeting and make a presentation before the local delegation. Mayor Truex responded in the affirmative.

Vice-Mayor Starkey asked if Ms. Ross or another member of staff would be available to attend. Mr. Willi stated he would find out.

7. PUBLIC HEARING

7.1. Tax, Equity and Fiscal Responsibilities Act

Town Clerk Muniz read the public hearing statement. Mayor Truex asked Budget and Finance Director William Underwood to give a brief overview of this issue which Mr. Underwood provided.

Mayor Truex asked if the taxpayers of Davie would be asked to participate in this venture. Bond counsel Jeff DeCarlo indicated that the Town would not be responsible for debt service on the bonds. He explained the bonds were payable solely from loan payments that came into the Town, in addition to the letter of credit supplied by Bank of America. Mr. DeCarlo advised that the documents assured that the Town had no liabilities regarding payments.

Marty White, Chief Financial Officer of the United Jewish Federation, thanked Council for its work on this item. Mayor Truex spoke in favor of the work done by the United Jewish Federation for the community, and thanked Mr. White for its efforts.

Vice-Mayor Starkey spoke in support of this item and suggested exploring the Town's ERTA program, which funded education facilities. She asked whether the \$40,000 in administrative fees that the Town would receive was an hourly breakdown. Vice-Mayor Starkey also asked how much time it would take to administer the bond issue. Mr. Underwood stated that the amount covered payment over a period of years to pay for all future costs and any follow up needed from the Town.

Vice-Mayor Starkey questioned the \$20,000 administrative fee Plantation had requested and asked if Plantation would continue to cooperate with the Town. Mr. Underwood advised that Plantation would be discussing the issue on December 10th and he expected that the process would go forward.

Mayor Truex closed the public hearing on this item.

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Ordinances - Second and Final Reading

7.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE,
2003-48 FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE,
AMENDING SECTION 26-24 ENTITLED "TREE REMOVAL PERMIT-
EXCEPTIONS"; PROVIDING FOR CLARIFICATION OF PERMIT
REQUIREMENTS; AMENDING SECTION 26-27, ENTITLED "TREE
RELOCATION"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES;
AMENDING SECTION 26-28, ENTITLED "TREE REPLACEMENT"; PROVIDING
FOR REVISED REQUIREMENTS FOR REPLACEMENT TREES; AMENDING
SECTION 26-32 ENTITLED "SPECIMEN TREES"; PROVIDING FOR REVISED
AUTHORITATIVE REFERENCES; AMENDING SECTION 26-40 ENTITLED
"DEFINITIONS"; PROVIDING FOR ADDITIONAL DEFINITIONS RELATING TO
TREE ABUSE; AMENDING SECTION 26-41 ENTITLED "TREE TRIMMING
SERVICE PROVIDERS"; PROVIDING FOR REQUIREMENTS FOR
PROFESSIONAL CONDUCT AND STOP WORK ORDERS; AMENDING SECTION
26-42 ENTITLED "PROHIBITION OF TREE ABUSE; EXCEPTIONS;
ADMINISTRATIVE APPEAL"; PROVIDING FOR NEW RESTRICTIONS AND
ALLOWANCES; SECTION 26-43, ENTITLED "REMEDIAL ACTIONS REQUIRED
FOR VIOLATORS"; PROVIDING FOR NEW REQUIREMENTS AND PERMITS;
SECTION 26-44. ENTITLED "FEES AND VALUES"; PROVIDING FOR A REVISED
TITLE AND CHANGES IN FEES AND TREE VALUATION"; AND AMENDING
SECTION 26-55 ENTITLED "PERMIT-REQUIRED"; PROVIDING FOR NEW TREE
SURVEY AND PERMIT REQUIREMENTS; PROVIDING FOR CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN
CODE; AND PROVIDING FOR AN EFFECTIVE DATE. {**Approved on First Reading
November 19, 2003 - 5-0**}

Town Clerk Muniz read the ordinance by title.

Councilmember Hubert disclosed that she had received a phone call from Mr. Griffin, who was upset because he felt the Town was taking away the homeowner's right to be able to prune his tree.

Councilmember Crowley asked how much more stringent the Town was compared with the County. Mike Orfanedes, the Town's Urban Forester, responded that it basically mirrored the County's standard. Councilmember Crowley asked about the difference between hat racking and shaping which Mr. Orfanedes explained. Councilmember Crowley asked if the homeowner needed a permit to shape his own tree. Mr. Orfanedes indicated in the negative. Councilmember Crowley mentioned a resident's previous suggestion about setting up wires and insulation and asked Mr. Orfanedes to look into this.

Vice-Mayor Starkey asked about the increase in fees. Councilmember Hubert advised that the fees had decreased. Mr. Orfanedes indicated that the fee for trees had not changed and explained how the fee was currently structured.

Vice-Mayor Starkey disclosed that she had also received a call from the petitioner. She felt the Town should not act as the "tree police" and preferred that the Town work with the residents with regard to pruning of trees. Vice-Mayor Starkey felt that enforcing fines would upset the residents more and requested that the Town look at the most serious issues and not just single simple issues. Mr. Willi indicated that the Town's landscape staff was currently preparing a work plan which would specify priorities with reference to enforcement and which would focus on bringing existing site plans into compliance.

Mr. Orfanedes advised that the Town did not fine residents for improper pruning and explained that the Town helped residents through the tree removal permitting process as appropriate. He further

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explained that the County currently had a stipulation that Australian pines and other invasive species were to be removed during site plan development processes.

Vice-Mayor Starkey suggested beefing up the landscaping for commercial areas and new developments, along the lines of the City of Plantation's landscaping.

Mayor Truex spoke against this ordinance as it seemed that the Town was unnecessarily hassling residents about tree trimming standards.

Councilmember Hubert questioned whether the Town was doubling its efforts since it had basically the same ordinance as Broward County's. Mr. Orfanedes advised that the Town had to provide evidence that its requirements were as stringent as the County's in order to go through re-certification process. Mr. Willi further clarified that if the Town did not adjust its standards in accordance with the County's, the County could de-certify the Town's program.

Councilmember Paul stated that the Town had been working hard to beef up its landscaping efforts and pointed out that most of the issues the Town addressed were based on the complaints of neighbors against other residents. She indicated that she had received several calls on this issue and felt this ordinance educated homeowners on proper pruning. Councilmember Paul spoke in favor of the ordinance and felt the Town should also focus on landscaping efforts of developers. She believed the Town had more work to do to bring up its overall landscaping efforts, referring also to the City of Plantation's landscaping.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-2)

Ordinances - First Reading (Second and Final Reading to be held December 17, 2003)

- 7.3. **QUIT CLAIM DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR 25' OF RIGHT-OF-WAY WAY FROM FRANK AND VERONICA MIELE; AND PROVIDING FOR AN EFFECTIVE DATE. (southwest corner of SW 20 Street and SW 127 Avenue)

This item was withdrawn and resubmitted as item 5.30.

- 7.4. **UTILITY EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE NEW "FLEET MAINTENANCE GARAGE"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (6911 Orange Drive)

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on December 17, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Quasi Judicial Items

- 7.5. **VARIANCE** - V 9-1-03, Engel/By Faith Development Corp., 7665 Davie Road (B-2) (to reduce the minimum 25 foot setback to 19 feet 6 inches) *Planning and Zoning Board recommended approval*

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Mr. Kiar read the rules of evidence and swore in the witnesses. Town Engineer Larry Peters read the planning report.

Mr. Kiar opened the public hearing portion of the meeting.

Mr. Engel, the petitioner, explained the variance request in further detail.

Mr. Kiar closed the public hearing.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

7.6. SPECIAL PERMIT - SE 9-1-03, Keith & Ballbe, Inc./Garcia and Southern Homes of Davie II, Inc., 12901 Orange Drive (A-1) (install modular building for a temporary sales office) *Planning and Zoning Board recommended approval*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva read the planning report.

Mr. Laystrom, representing the petitioner, was present.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

7.7. SPECIAL PERMIT - SE 9-2-03, Gloria Dei Lutheran Church & Academy, 7601 SW 39 Street (CF) (replace an existing modular building) *Planning and Zoning Board recommended approval*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva read the planning report.

Bill Thorpe, representing the petitioner, spoke about the need for more space due to over enrollment needs. He asked Council to approve the request.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey disclosed that she had spoken with parents of children attending the school and complimented Mr. Thorpe on the standards of the school.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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Items to be tabled

7.8. STAFF REQUESTING A TABLING TO DECEMBER 17, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-02, Town of Davie, 4703 SW 148 Avenue) (tabled from November 19, 2003) *Planning and Zoning Board recommended approval*

This item was approved on first reading earlier in the meeting.

7.9. PLANNING AND ZONING TABLED TO NOVEMBER 26, 2003; COUNCIL CAN TABLE TO DECEMBER 17, 2003

VA 7-1-03, Artistic Development Corp, 2276 Lynx Avenue

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to table until December 17, 2003. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Vice-Mayor Starkey requested that the reason for tabling an item be explained and attached to the Agenda in the future.

7.10. STAFF REQUESTING A TABLING TO JANUARY 21, 2004

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO SC, SUBURBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14501 Orange Drive) (tabled from October 1, 2003)

This item was tabled earlier in the meeting.

7.11. STAFF REQUESTING A TABLING TO JANUARY 21, 2004

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14901 Orange Drive) (tabled from October 1, 2003)

This item was tabled earlier in the meeting.

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7.12. PETITIONER REQUESTING A TABLING TO MARCH 17, 2004

TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS APPLICATION LA(TXT) 03-08A, AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-LOW" LAND USE CATEGORY AND AN "EMPLOYMENT CENTER-HIGH" LAND USE CATEGORY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from October 1, 2003) *Local Planning Agency recommended approval subject to the following uses being deleted from Employment Center-Low: fabrication and assembly; hotels, motels, and similar lodging; and community facilities {requires supermajority vote}*

This item was tabled earlier in the meeting.

7.13. PETITIONER REQUESTING A TABLING TO MARCH 17, 2004

LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS APPLICATION LA 03-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/AC" TO "EMPLOYMENT CENTER - LOW"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (tabled from October 1, 2003) (LA 03-07, Industrial Developments International, Inc/Wilson Road Company, Inc., Herzig and North, 5800 SW 59 Avenue) *Local Planning Agency recommended denial {requires supermajority vote}*

This item was tabled earlier in the meeting.

8. APPOINTMENTS

8.1. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

8.2. Community Relations Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004)

No appointment was made.

8.3. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

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- 8.4. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Mayor Truex appointed Alex Ariza to the School Advisory Board.

- 8.5. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

- 8.6. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

No appointment was made.

9. OLD BUSINESS

There was no old business to be discussed.

10. NEW BUSINESS

- 10.1. Council Packet Preparation (Electronic Agenda)

Mayor Truex indicated that he felt this item was going nowhere. Town Clerk Muniz explained that the previous discussion was that this item would be brought before Council for a vote with regard to uniform format. No action was taken.

- 10.2. Schedule Special Meeting for Executive Session - Spur Road - December 17, 2003 at 5:30 p.m.

Mayor Truex announced that there would be a Special Meeting for Executive Session regarding Spur Road on December 17, 2003 at 5:30 p.m. It was mentioned that Council confirmed Mr. Kiar, special counsel from Becker and Poliakoff, Mr. Willi and a court reporter would be in attendance. Mr. Willi advised that the meeting would be approximately one hour.

10.3 Councilmember Crowley spoke about the Second Annual Water Matters Day Celebration. He indicated that the Town was asking for a \$2,000 sponsorship. Mayor Truex asked Mr. Willi if the Town could allocate \$2,000 for this cause. Mr. Willi indicated in the affirmative.

Vice-Mayor Starkey suggested having a Town display board highlighting its new projects.

Council gave direction to Mr. Willi to transfer \$2,000 from the contingency fund.

Councilmember Paul asked Council whether she needed a document assigning her as the delegate to the National League of Cities. Vice-Mayor Starkey suggested faxing a letter to the National League of Cities assigning Councilmember Paul as delegate. Mayor Truex and Mr. Willi concurred that this would be done.

**11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER PAUL**

VISTA VIEW PARK. Councilmember Paul discussed the western themed ADA-accessible playground facility being built at Vista View Park. Assistant Town Administrator Ken Cohen indicated that plans were ongoing and that the Munson's had been consulted about what types of equipment should be installed.

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SIDEWALKS. Councilmember Paul spoke about residents' concern with the lack of sidewalks in the Orange Park area which was difficult to do because of the lack of rights-of-way. She stated that residents were questioning the possibility of creating a one-way street on 8th and 7th. Mr. Peters indicated he had received related correspondence and would look into this further.

MIDDLE SCHOOL NN. Councilmember Paul also spoke about the middle school NN site and advised that she had attended the County's site selection meeting. She was concerned that Vice-Mayor Starkey had indicated that Councilmember Paul had "offered" an alternate site when in fact she had suggested a site. Councilmember Paul stated that the term "offered" was not an appropriate term. She was also concerned that the Town was not made aware that the site selection committee had made a motion asking Vice-Mayor Starkey to return to the Town with a suggestion for an alternate site. Councilmember Paul said that the School Advisory Board had made a recommendation for school site NN and to look for an alternate site. She indicated that the Town was being chastised for not doing its homework.

Councilmember Paul suggested that Councilmembers put in writing any actions that unfolded at local meetings they attended.

Vice-Mayor Starkey stated she would have been happy to suggest an alternate site if she had received Town support. She advised that she had asked for a letter to be sent the following day but Council never received one. Vice-Mayor Starkey clarified that she had offered to ask Council to consider an alternate site and explained that the wording used to refer to Councilmember Paul's suggestion was not meant to cause offense.

Councilmember Paul stated that Council needed to come up with some alternate sites as the NN school was necessary. Vice-Mayor Starkey felt it was the School Board's job to look for a school site. She also defended the fact that the Town had prepared a general letter to address the school's concerns. Mayor Truex suggested that the middle school site NN issue should be discussed at a workshop with the School Advisory Board.

Vice-Mayor Starkey indicated that she had spoken with advisors from Indian Ridge Middle School and was told that the December 13th School Board boundary meeting would be an opportunity for the Town to discuss site NN. She stated that it was important for residents to get involved in the process to help fight for this school, as there was currently a split vote. Vice-Mayor Starkey suggested that a resolution be sent to the School Board members urging them to do their own environmental study before they eliminated the site as a possibility.

Mayor Truex felt the joint meeting with the School Advisory Board should be scheduled for sometime in January, 2004.

Councilmember Paul felt it would drag the situation out for too long if the process was put off to select another site.

VICE-MAYOR STARKEY

PARK GRANT. Vice-Mayor Starkey thanked the County Commissioners for awarding the Town a grant for the addition of another park off Hiatus Road.

Mr. Willi asked whether it would be more appropriate that Parks and Recreation advise Council with regard to plans for the new park. Mayor Truex suggested scheduling a meeting in the neighborhood around the park.

COUNCILMEMBER CROWLEY

WORKSHOP QUORUM. Councilmember Crowley asked if there would be a quorum at the airport workshop meeting the following day. Mayor Truex responded in the negative.

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COUNCILMEMBER HUBERT

THANKS. Councilmember Hubert thanked individuals who helped her with the Thanksgiving efforts.

MAYOR TRUEX

AGENDA ITEM. Mayor Truex asked that discussion on a tabling policy be placed on the January agenda.

12. TOWN ADMINISTRATOR'S COMMENTS

EAR MEETING. Mr. Leiva announced that the next EAR meeting would be the following day December 4th at the Old Davie School. He also advised that another EAR meeting would be held on December 9th at Town Hall.

13. TOWN ATTORNEY'S COMMENTS

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 12:15 a.m.

Approved _____

Mayor/Councilmember

Town Clerk